

An. Code, 1924, sec. 1. 1922, ch. 490, sec. 1.

1. All able-bodied male citizens and able-bodied males of foreign birth, who have declared their intentions to become citizens, and who are more than 18 and less than 45 years of age, and who are residents of this State, shall constitute the militia, subject to the following exemptions: (a) persons exempted by the laws of the United States; (b) persons exempted by the laws of Maryland; (c) the members of any regularly organized fire or police department in any city, village or town; (d) judges and clerks of courts of record, registers of wills and deeds, sheriffs, ministers of the Gospel, members of religious communities, ecclesiastical students in the various seminaries and schools of divinity, practicing physicians, superintendents, officers and assistants of hospitals, prisons and jail; all persons actually employed as teachers in any established school, college, or university; lighthouse keepers, conductors and engineers of railways, seamen actually employed as such; (e) idiots, lunatics, paupers, vagabonds, confirmed drunkards, persons addicted to the use of narcotic drugs, and persons convicted of infamous crimes; all such exempted persons, except those enumerated in sub-divisions (a) and (e), shall be available for military duty in case of war, insurrection, invasion or imminent danger thereof.

An. Code, 1924, sec. 2. 1922, ch. 490, sec. 2. 1931, ch. 161, sec. 2.

2. When the militia of this State, or any part thereof, is called or ordered under the Constitution and laws of the United States, into the active military service of the United States, the Governor shall order out for service the Organized Militia, or such part thereof as may be necessary and if the number available be insufficient he shall order out such part of the unorganized militia as he may deem necessary.

An. Code, 1924, sec. 3. 1922, ch. 490, sec. 3.

3. Whenever any portion of the militia shall be on duty pursuant to the orders of the Governor, or shall be on duty or ordered to assemble for duty in time of war, insurrection, invasion, public danger or to aid the civil authorities on account of any breach of the peace, tumult, riot, resistance to process of this State, or imminent danger thereof, or for any other cause, the Articles of War governing the Army of the United States, as well as such regulations issued thereunder, shall be in force and regarded as part of this Article until said forces shall be duly relieved from such duty. As to offenses committed when such Articles of War are in force, courts-martial shall possess, in addition to the jurisdiction and power of sentence and punishment therein vested to them, all additional jurisdiction and power of sentence and punishment exercisable by like courts under such Articles of War or the regulations and laws governing the Army of the United States, or the customs and usages thereof; but no punishment under such rules and articles, which shall extend to the taking of life, shall in any case be inflicted, except in time of actual war, invasion or insurrection, and then only after the approval by the Governor of the sentence inflicting such punishment. Imprisonment other than in guard-house shall be executed in jails or prisons designated by the Governor for the purpose.